



HEARING AID DISPENSERS MEETING MINUTES

May 22, 2014

Department of Consumer Affairs

2005 Evergreen Street
Sacramento, CA 95815

Committee Members Present

Deane Manning, Chair, Hearing Aid Dispenser
Alison Grimes, Dispensing Audiologist
Marcia Raggio, Dispensing Audiologist

Committee Members Absent

Rodney Diaz, M.D.
Jaime Lee, Public Member
Amnon Shalev, Hearing Aid Dispenser

Staff Present

Breanne Humphreys, Interim Executive Officer
Sabina Knight, Legal Counsel
Yvonne Crawford, Enforcement Analyst

Guests Present

Ileana Butu, DCA Legal Affairs
Bryce Docherty, KP Public Affairs
Vanessa Kajina, KP Public Affairs
Dee Parker, Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board
Debbie Snow, Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board

I. Call to Order

Chairperson Deane Manning called the meeting to order at approximately 10:15 am. Three committee members were present thus the required four member quorum was not established. Chairperson Manning stated that the committee meeting would be held for discussion only due to the lack of a quorum.

II. Introductions

Those in attendance introduced themselves.

III. Approval of the February 6, 2014 Hearing Aid Dispensers Committee Meeting Minutes

Need clarification on February 6, 2014 minutes, Item V. Ms. Grimes and Ms. Humphreys to discuss changes.

IV. Discussion and Possible Action on the Development of Proposed Practice Guidelines for Hearing Aid Dispensing

Chairperson Manning expressed concerns that the purpose of providing guidance to SMEs through the development of the Guidelines needs to be better defined. Ms. Grimes suggested that a preamble be developed to clarify the purpose of the document. Ms. Grimes suggested that when referring to FDA language that we should parallel the exact federal language. There was further discussion as to whether the Board had already written a preamble. Ms. Humphreys offered to look into finding out whether a preamble to the guidelines was already drafted. Ms. Knight, Legal Counsel will look at how other Boards provide guidance to SMEs.

V. Discussion on Whether a Bone-Anchored Device, External Sound Processor, Requires a License to Dispense

Ms. Grimes discussed the importance of seeking clarity on how bone-anchored devices are being used. We understand that the devices are FDA-approved, but does this device require a license to dispense? Ms. Knight is seeking clarification from the FDA of dispensing requirements for the bone-anchored devices.

VI. Discussion and Possible Action on SB 1326 – Roth: Warranty Provisions for Hearing Aids

Ms. Humphreys discussed the Song Beverly Consumer Warranty Act (SBCWA) changes would impact the Board. She added that approximately two-thirds of the Boards complaints on Hearing Dispensers are regarding warranties. Ms. Humphreys also stated that historically SBCWA has been difficult for the Board to enforce because the language is too vague and leads to different interpretations by both the consumer and dispensers of hearing aids. Enforcement problems include: 1) the term “completion of fitting” is not specific; 2) the warranty period is not clearly defined; and 3) tolling of the assistive devices is not specific. She stated that the Board staff is in full support of this needed amendment to SBCWA.

Bryce Docherty, KP Public Affairs and lobbyist for Hearing Healthcare Providers (HHP) of California, provided the Committee historical background on SB 1326. HHP is sponsoring the bill. The Song-Beverly Consumer Protection Act (SBCWA) provides for the warranty of assistive devices. This bill would clarify the warranty provisions as it pertains to hearing aids. Mr. Docherty touched on specific points of the bill: 1) clearly defining when the 30-day period begins, 2) when does the warranty period end, and 3) tolling requirements - if device needs servicing, adjustment, and replacement. Mr. Docherty added that HHP is still seeking clarification on certain point from Assembly Business and Professions Committee.

Marcia Raggio inquired about the necessity for sample forms for providers and Mr. Docherty added that it would be beneficial for the profession to provide samples and educational materials.

VII. Update on Exemption Request of the Federal Drug Administration on Mail Order and Catalog Sales of Hearing Aids

Ms. Humphreys reported that our exemption request is still under review. It was filed on June 4, 2012.

Chairperson Manning adjourned the meeting at 3:26pm.